

## UNITED STATES DISTRICT COURT

for the

District of Montana

United States of America

v.

Stacey Milch

Date of Original Judgment: 11/18/2021

Date of Previous Amended Judgment: \_\_\_\_\_

(Use Date of Last Amended Judgment if Any)

Case No: CR-21-23-BLG-SPW

USM No: 41812-509

Defendant's Attorney

**ORDER REGARDING MOTION FOR SENTENCE REDUCTION  
PURSUANT TO 18 U.S.C. § 3582(c)(2)**

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion, and taking into account the policy statement set forth at USSG §1B1.10 and the sentencing factors set forth in 18 U.S.C. § 3553(a), to the extent that they are applicable,

**IT IS ORDERED** that the motion is:

☒ DENIED. ☐ GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of \_\_\_\_\_ months is reduced to \_\_\_\_\_.  
(See Page 2 for additional parts. Complete Parts I and II of Page 2 when motion is granted)

Defendant seeks a sentence reduction under the retroactive application to the criminal history rules in Part A of Amendment 821 to the United States Sentencing Guidelines. (See Doc. 54.) Part A limits the overall criminal history impact of "status points" for offenders who committed the instant offense while under a criminal justice sentence. See U.S.S.G. Ret. App. A & B, Sub. 1 Amendment 821 "Reasons for Amendment" (Nov. 1, 2023).

Here, Defendant is eligible for a reduction in her criminal history score, but because that reduction does not affect her overall criminal history category or the guideline range of her sentence, her motion is denied. Defendant's prior criminal convictions resulted in a criminal history score of 13. (PSR ¶ 49.) Additionally, she received two Chapter Four "status points," establishing a total criminal history score of 15 and a criminal history category of VI. (PSR ¶ 50.) However, Defendant's motion is denied because she received a guideline sentence and a status point reduction from 15 to 14 would not change Defendant's overall criminal history score of VI or associated guideline sentencing range. "A defendant is ineligible for a sentence reduction if the relevant amendment does not have the effect of lowering the defendant's applicable guideline range." United States v. Mercado-Moreno, 869 F.3d 942, 949 (9th Cir. 2017) (citing USSG §1B1.10(a)(2)(B) (2014)).

Except as otherwise provided, all provisions of the judgment dated \_\_\_\_\_ shall remain in effect.

**IT IS SO ORDERED.**

Order Date: 11-27-2023

  
 Judge's signature

 Effective Date: \_\_\_\_\_  
 (if different from order date)

 \_\_\_\_\_  
 Printed name and title